

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE CONCURRENT RESOLUTION 2001

A CONCURRENT RESOLUTION

RESOLVING INTENT TO CLAIM SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OVER CERTAIN POWERS, SERVING NOTICE TO THE FEDERAL GOVERNMENT TO CEASE AND DESIST CERTAIN MANDATES AND PROVIDING THAT CERTAIN FEDERAL LEGISLATION BE PROHIBITED OR REPEALED.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the Tenth Amendment to the Constitution of the United States
2 reads as follows: "The powers not delegated to the United States by the
3 Constitution, nor prohibited by it to the States, are reserved to the States
4 respectively, or to the people"; and

5 Whereas, the Tenth Amendment defines the total scope of federal power
6 as being that specifically granted by the Constitution of the United States
7 and no more; and

8 Whereas, the scope of power defined by the Tenth Amendment means that
9 the federal government was created by the states specifically to be an agent
10 of the states; and

11 Whereas, today, in 2010, the states are demonstrably treated as agents
12 of the federal government; and

13 Whereas, many federal laws are directly in violation of the Tenth
14 Amendment to the Constitution of the United States; and

15 Whereas, the Tenth Amendment ensures that we, the people of the United
16 States of America and each sovereign state in the Union of States, now have,
17 and have always had, rights the federal government may not usurp; and

18 Whereas, article IV, section 4, United States Constitution, says in
19 part, "The United States shall guarantee to every State in this Union a
20 Republican Form of Government", and the Ninth Amendment states that "The
21 enumeration in the Constitution, of certain rights, shall not be construed to
22 deny or disparage others retained by the people"; and

23 Whereas, the United States Supreme Court has ruled in New York v.
24 United States, 505 U.S. 144 (1992), that Congress may not simply commandeer
25 the legislative and regulatory processes of the states; and

26 Whereas, a number of proposals from previous administrations and some
27 now pending from the present administration and from Congress may further
28 violate the Constitution of the United States.

29 Therefore

30 Be it resolved by the House of Representatives of the State of Arizona, the
31 Senate concurring:

32 1. That the State of Arizona hereby expresses intent to claim
33 sovereignty under the Tenth Amendment to the Constitution of the United
34 States over all powers not otherwise enumerated and granted to the federal
35 government or reserved to the people by the Constitution of the United
36 States.

37 2. That this Resolution serves as notice and demand to the federal
38 government, as our agent, to cease and desist, effective immediately,
39 mandates that are beyond the scope of these constitutionally delegated
40 powers.

41 3. That all compulsory federal legislation that directs states to
42 comply under threat of civil or criminal penalties or sanctions or requires
43 states to pass legislation or lose federal funding be prohibited or repealed.

1 4. That the Secretary of State of the State of Arizona transmit copies
2 of this resolution to the President of the United States, the President of
3 the United States Senate, the Speaker of the United States House of
4 Representatives, the Speaker of the House and the President of the Senate of
5 each state's legislature and each Member of Congress from the State of
6 Arizona.

PASSED BY THE HOUSE FEBRUARY 23, 2010.

PASSED BY THE SENATE APRIL 21, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2010.